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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

DEREK JOHNSON, personal representative  
of KELLY CONRAD GREEN II, deceased;  
KELLY CONRAD GREEN and SANDY  
PULVER,

Plaintiffs,

v.

CORIZON HEALTH, INC., a Tennessee  
Corporation; LANE COUNTY, an Oregon  
county; DR. CARL KELDIE, an individual;  
DR. JUSTIN MONTOYA, an individual;  
VICKI THOMAS, an individual; KIRSTIN  
WHITE, an individual; SHARON EPPERSON  
(née FAGAN), an individual, and JACOB  
PLEICH, an individual,

Defendants.

Civil Action No. 6:13-cv-01855-TC

**DECLARATION OF JOHN T.  
DEVLIN IN SUPPORT OF  
PLAINTIFFS' MEMORANDUM  
IN OPPOSITION TO MOTION  
FOR SUMMARY JUDGMENT  
BY DEFENDANTS CORIZON  
ET AL.**

AUTHORIZED TO BE FILED  
UNDER SEAL

I, John T. Devlin, declare under penalty of perjury as follows:

1. I am one of the attorneys for the plaintiffs in this case.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition of Guy Balcom.
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition of Mark Begines.
4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition of Patricia Bichsel.
5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Jona Bourgard.
6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Larry Brown.
7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition of Donald Burnette.
8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition of Dan Correll.
9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the deposition of Darreyl Davis.
10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of David Deierling.
11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition of Angela Dodds.
12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the deposition of Robert Dotson.
13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the deposition of Sharon Epperson.
14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the deposition of Dennis Ewing.
15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the deposition of Ivor Garlick.
16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition of Kelly Green.

17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the deposition of Rich Hallworth.
18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the deposition of Eric Hubbard.
19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the deposition of Stevens Hyppolite.
20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the deposition of Carl Keldie.
21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the deposition of Richard Klotz.
22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the deposition of Jeremy Legg.
23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the deposition of Collin Mitchell.
24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the deposition of Justin Montoya.
25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the deposition of Tonya Mooningham.
26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the deposition of Keri Nelson.
27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the deposition of Harold Orr.
28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from the deposition of Joseph Pastor.
29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the deposition of Richard Peters.
30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the deposition of Becky Pinney.
31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the deposition of Jacob Pleich.

32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the deposition of Sandy Pulver.
33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from the deposition of Kelly Rahm.
34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the deposition of Robert Ralph.
35. Attached hereto as Exhibit 34 is a true and correct copy of excerpts from the deposition of Leah Smith.
36. Attached hereto as Exhibit 35 is a true and correct copy of excerpts from the deposition of Matt Taylor.
37. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from the deposition of Vicki Thomas.
38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from the deposition of Tracy Tomseth.
39. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the deposition of Pablo Viteri.
40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the deposition of Kirstin White.
41. Attached hereto as Exhibit 40 is a true and correct copy of Deposition Exhibit 1.
42. Attached hereto as Exhibit 41 is a true and correct copy of Deposition Exhibit 3.
43. Attached hereto as Exhibit 42 is a true and correct copy of Deposition Exhibit 5.
44. Attached hereto as Exhibit 43 is a true and correct copy of Deposition Exhibit 6.
45. Attached hereto as Exhibit 44 is a true and correct copy of Deposition Exhibit 15.
46. Attached hereto as Exhibit 45 is a true and correct copy of Deposition Exhibit 18.

47. Attached hereto as Exhibit 46 is a true and correct copy of Deposition Exhibit 20.
48. Attached hereto as Exhibit 47 is a true and correct copy of Deposition Exhibit 26.
49. Attached hereto as Exhibit 48 is a true and correct copy of excerpts from Deposition Exhibit 36.
50. Attached hereto as Exhibit 49 is a true and correct copy of Deposition Exhibit 40.
51. Attached hereto as Exhibit 50 is a true and correct copy of Deposition Exhibit 41.
52. Attached hereto as Exhibit 51 is a true and correct copy of Deposition Exhibit 47.
53. Attached hereto as Exhibit 52 is a true and correct copy of Deposition Exhibit 48.
54. Attached hereto as Exhibit 53 is a true and correct copy of Deposition Exhibit 57.
55. Attached hereto as Exhibit 54 is a true and correct copy of Deposition Exhibit 58.
56. Attached hereto as Exhibit 55 is a true and correct copy of Deposition Exhibit 72.
57. Attached hereto as Exhibit 56 is a true and correct copy of Deposition Exhibit 89.
58. Attached hereto as Exhibit 57 is a true and correct copy of Deposition Exhibit 96.
59. Attached hereto as Exhibit 58 is a true and correct copy of Deposition Exhibit 97.
60. Attached hereto as Exhibit 59 is a true and correct copy of Deposition Exhibit 103.
61. Attached hereto as Exhibit 60 is a true and correct copy of Deposition Exhibit 109.

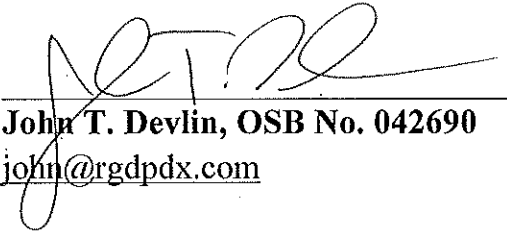
62. Attached hereto as Exhibit 61 is a true and correct copy of Deposition Exhibit 119
63. Attached hereto as Exhibit 62 is a true and correct copy of Deposition Exhibit 120.
64. Attached hereto as Exhibit 63 is a true and correct copy of Deposition Exhibit 125.
65. Attached hereto as Exhibit 64 is a true and correct copy of Deposition Exhibit 131.
66. Attached hereto as Exhibit 65 is a true and correct copy of Deposition Exhibit 132.
67. Attached hereto as Exhibit 66 is a true and correct copy of plaintiffs' letter of Tort Claim Notice, sent to Corizon on 4/1/2013.
68. Attached hereto as Exhibit 67 is a true and correct copy of Mr. Green's Intraoperative Open Case Record, bates stamped K.GREEN 1801, from his medical chart.
69. Attached hereto as Exhibit 68 is a true and correct copy of the complaint in *Riner, et al. v. Corizon Health, Inc., et al.*, Case No. SPCV14-1313, Superior Court of Chatham County, Georgia.
70. Attached hereto as Exhibit 69 is a true and correct copy of Marc F. Stern's Special Master Report.
71. Attached hereto as Exhibit 70 is a true and correct copy of the article written by Paul von Zielbauer for the New York Times and published 2/27/2005, entitled "As Health Care in Jails Goes Private, 10 Days Can Be a Death Sentence."
72. Attached hereto as Exhibit 71 is a photocopy of a disc containing excerpts from the video produced to me by Lane County on April 30, 2013 in response to a public records request. A true and correct copy of the disc will be mailed to the court and all defendants.
73. The disc contains 20 video clips from video produced by Lane County. The video clips will run together if you press play at the start. Alternatively, you can use the fast forward button to move to the start of the next clip.

74. **Clip #1:** *Kelly Green taken from courtroom to elevator (10:55:07 a.m. to 10:55:34 a.m.)* This is the view as Kelly Green goes from the courtroom to the elevator.
75. **Clip #2:** *Kelly Green taken from courtroom to elevator (10:55:19 a.m. to 10:55:38 a.m.)* This is the same view as Clip #1, from a different angle.
76. **Clip #3:** *Kelly Green taken from elevator to medical clinic (10:55:51 a.m. to 10:56:08 a.m.)* This is the view as Kelly Green goes from the elevator to the medical clinic.
77. **Clip #4:** *Kelly Green taken from elevator to medical clinic (10:55:51 a.m. to 10:56:16 a.m.)* This is the same view as Clip #3, from a different angle.
78. **Clip #5:** *Kelly Green taken from elevator to medical clinic (10:56:03 a.m. to 10:56:20 a.m.)* This view picks up where Clip #3 and Clip #4 left off.
79. **Clip #6:** *Kelly Green taken from elevator to medical clinic (10:56:03 a.m. to 10:56:20 a.m.)* This is the same view as Clip #5, from a different angle.
80. **Clip #7:** *Kelly Green taken from medical clinic to segregation cell (11:29:49 a.m. to 11:30:11 a.m.)* This is the view from the hallway outside the segregation cell.
81. **Clip #8:** *Kelly Green taken from medical clinic to segregation cell (11:29:48 a.m. to 11:34:38 a.m.)* This is the view from the medical clinic to the hallway outside the segregation cell.
82. **Clip #9:** *Kelly Green taken from medical clinic to segregation cell (11:29:30 a.m. to 11:35:57 a.m.)* This is the same view as #8, from a different angle. The open door is a door to the medical clinic.
83. **Clip #10:** *Kelly Green moved into the segregation cell (11:30:01 a.m. to 11:38:00 a.m.)* This is the view from inside the segregation cell. The timing overlaps with Clips #7 - #9.
84. **Clip #11:** *Deputy Burnette speaks with Kelly Green (12:17:15 p.m. to 12:18:18 p.m.)*
85. **Clip #12:** *Deputy Burnette speaks with Kelly Green (1:35:15 p.m. to 1:37:20 p.m.)*
86. **Clip #13:** *Deputy Burnette puts a blanket in the segregation cell (1:40:00 p.m. to 1:41:00 p.m.)*

87. **Clip #14:** *Jacob Pleich visits Kelly Green (2:28:00 p.m. to 2:34:00 p.m.)*
88. **Clip #15:** *Deputy Burnette speaks with Kelly Green (3:17:55 p.m. to 3:18:40 p.m.)*
89. **Clip #16:** *Deputy Correll speaks with Kelly Green (3:29:35 p.m. to 3:31:40 p.m.)*
90. **Clip #17:** *Corizon medical staff examines Kelly Green (3:35:20 p.m. to 3:45:00 p.m.)*
91. **Clip #18:** *Leah Smith takes Kelly Green's vital signs (3:48:30 p.m. to 3:53:30 p.m.)*
92. **Clip #19:** *Corizon medical staff cleans Kelly Green (4:15:00 p.m. to 4:30:15 p.m.)*
93. **Clip #20:** *EMTs arrive and take Kelly Green to the hospital (4:54:00 p.m. to 5:17:00 p.m.)*

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED this 17<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
**John T. Devlin, OSB No. 042690**  
[john@rgdpdx.com](mailto:john@rgdpdx.com)



**CERTIFICATE OF SERVICE**

I hereby certify that I served true and correct copies of the foregoing:

1. DECLARATION OF JOHN T. DEVLIN IN SUPPORT OF PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY DEFENDANTS CORIZON *ET AL.*

on the following:

James Daigle  
*Stewart Sokol & Larkin LLC*  
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Of Attorneys for defendants.

Of Attorneys for defendants

by the following method/s:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, OR  
☒ service made via electronic mailing and/or CM/ECF filing  
☐ hand delivery  
☐ facsimile transmission  
☐ overnight delivery.

Dated this 17<sup>th</sup> day of February, 2015.

/s/ Elden M. Rosenthal  
ELDEN M. ROSENTHAL, OSB No. 722174  
JOHN T. DEVLIN, OSB No. 042690  
Of Attorneys for Plaintiff